

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

KELLY A. AYOTTE
ATTORNEY GENERAL



MICHAEL A. DELANEY
DEPUTY ATTORNEY GENERAL

June 10, 2005

Section 5 Submission

Chief, Voting Section
Civil Rights Division
Room 7254 – NWB
Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20006

Re: Submission Under Section 5 of the Voting Rights Act for:

New Hampshire Revised Statute Annotated ("RSA") 661:8, a STATUTE related to special elections, most recently amended by Laws of 2005 Chapter 25 and previously amended by the chapters cited below.

Dear Voting Section Chief:

Pursuant to 42 U.S.C. § 1973 (c), the State of New Hampshire, through the Office of the New Hampshire Attorney General, hereby submits RSA 661:8, a STATUTE related to special elections, most recently amended by Laws of 2005 Chapter 25 and previously amended by the chapters cited below.

SUBMISSION

In accordance with 28 C.F.R. § 51.27, the submission is as follows:

- a) Chapter 25 (2005) amending RSA 661:8 is attached (Exhibit 661:8 A)
 - 1. Chapter 231 (2001) amending RSA 661:8 is attached (Exhibit 661:8 B)
 - 2. Chapter 136 (1998) amending RSA 661:8 is attached (Exhibit 661:8 C)

3. Chapter 512 (1981) amending RSA 661:8 is attached (Exhibit 661:8 D)
- b) Chapter 436 (1979) recodified as RSA 661:8 is attached (Exhibit 661:8 E)
- c) The changes made by amendments to RSA 661:8 are as follows:
 1. Chapter 25 (2005) changes subsection V by removing the words “*request for a*”, replacing the word “*considered*” with “*held*” and inserting the phrase “*as determined by RSA 655:81, I.*”
 2. Chapter 131 (2001) inserted subsection III which reads “*Notwithstanding the provisions of paragraph II, if a vacancy occurs in the office of the state representative in a district comprised of a city ward or wards, a request to hold the primary and special elections on the same dates as the city’s biennial primary and regular elections may be submitted to the governor and council by the governing body of the city. If so requested, the governor and council shall declare the vacancy not less than 50 days prior to the date of the city’s primary election. The filing period shall be held not more than 41 days nor less than 34 days prior to the primary election. The provisions of RSA 655:81, III, VI, VII, IX, X and XI shall apply to elections held pursuant to this paragraph.*”
 3. Chapter 136 (1998) added the phrase “*No request for a special election shall be considered after March 15 of the second year of the biennium.*”
 4. Chapter 512 (1981) inserted “*following the provisions of RSA 655:81 and 82*” following “*filled*” in the second and third sentences, rewrote the fourth sentence and made minor stylistic changes.
- d) This submission is made by: Senior Assistant Attorney General Orville B. Fitch II, 33 Capitol Street, Concord, New Hampshire 03301, Phone: (603) 271-1238.
- e) The submitting authority is New Hampshire Attorney General, Kelly A. Ayotte for the State of New Hampshire.

- f) Not applicable.
- g) The changes for which pre-clearance is sought were made by a decision of the New Hampshire General Court (Legislature).
- h) In accordance with Amendment X of the U.S. Constitution, the New Hampshire General Court, the State's legislature, acting pursuant to the New Hampshire Constitution Part Second, Article 2, granting supreme legislative power within the state to the House and Senate, who with right to negate each other are granted power to make law through Part Second, Article 5. Additional authority regarding election law is vested in Part First, Article 11.

The legislature through a bicameral process passed law to create Chapter 25 (Exhibit 661:8 A). The bill was signed into law (by the Governor) on May 10, 2005, pursuant to New Hampshire Constitution Part Second, Article 44.

- i) Adoption dates:
 - 1. Chapter 25 (2005) adopted May 10, 2005
 - 2. Chapter 231 (2001) adopted July 13, 2001
 - 3. Chapter 136 (1998) adopted June 5, 1998
 - 4. Chapter 512 (1981) adopted June 29, 1981
- j) Effective dates:
 - 1. Chapter 25 (2005) effective July 9, 2005
 - 2. Chapter 231 (2001) effective July 13, 2001
 - 3. Chapter 136 (1998) effective June 5, 1998
 - 4. Chapter 512 (1981) effective August 28, 1981
- k) The changes made by Chapter 25 (2005) have not been enforced. The changes made by the laws of 2001, Chapter 231, by the laws of 1998, Chapter 136 and by the laws of 1981, Chapter 512 have been enforced.
- l) The changes affect the entire State of New Hampshire.

m) The purpose of the changes are as follows:

1. The purpose of the Chapter 25 (2005) change is to prevent any special elections from occurring after March 15 of the second year of the biennium and added the requirements set forth in RSA 655:81. Because of the timing of the typical legislative session, the time periods involved in conducting a special election, and the start of the campaign season in June of the second year of any biennium a special election after March 15 would rarely, if ever, result in the elected official being able to meaningfully participate in any legislative action. Special election campaigns commingled with the regular election cycle would be confusing to voters and wasteful of public resources.
2. The purpose of the Chapter 231 (2001) change is to establish requirements to fill vacancies on the dates of the city's biennial primary and regular elections. These changes made it easier to arrange a special election to coincide with a regular city election, thereby increasing typical voter turnout and decreasing election administration costs.
3. The purpose of the Chapter 136 (1998) change is mandate that no special elections shall be considered after March 15 of the second year of the biennium.
4. The purpose of the Chapter 512 (1981) change is to require that the provisions of RSA 655:81 and 82, which deal with primary elections, be followed.

n) These changes do not negatively target any protected class under section 5 of the Voting Rights Act of 1965. *42 U.S.C. 1973c*. They are expected to have neutral impact and do not meet the test of retrogression defined in *Reno v. Bossier Parish Sch. Bd*, 520 U.S. 471, 478 (1997). "(T)he ability of minority groups...to elect their choices to office" will not be diminished. *Beer v. U.S.*, 425 U.S. 130, 141 (1976).

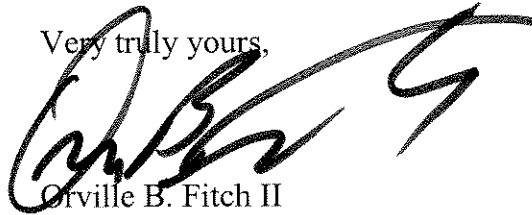
o) None known.

p) RSA 661:8 was precleared through 1979 on June 22, 2004 by D.O.J. file numbers 2004-2563, 2004-2581 and 2004-2582. A copy of this preclearance is attached as Exhibit 661:8 F. This submission seeks preclearance of all subsequent changes.

- q) Not applicable as this is not a redistricting plan.
- r) Exhibit 661:8 G is a copy of a Press Release of this submission, its availability, and inviting comment to federal Department of Justice.

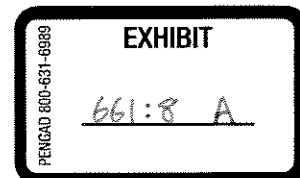
I expect the foregoing information is sufficient to enable the United States Attorney General to make the required determination pursuant to Section 5 of the Voting Rights Act. If further information is required or would be helpful, please contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Orville B. Fitch II', with a large, stylized flourish extending to the right.

Orville B. Fitch II
Senior Assistant Attorney General
Civil Bureau
(603) 271-1238
bud.fitch@doj.nh.gov

80869.doc



CHAPTER 25
HB 277 – FINAL VERSION
2005 SESSION

05-0841

03/01

HOUSE BILL **277**

AN ACT relative to special elections for executive councilor, state senator, and state representative.

SPONSORS: Rep. Whalley, Belk 5; Rep. Kennedy, Merr 4; Sen. Clegg, Dist 14; Sen. Flanders, Dist 7

COMMITTEE: Election Law

ANALYSIS

This bill prohibits special elections for executive councilor, state senator, and state representative after March 15 of the second year of the biennium.

Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

05-0841

03/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Five

AN ACT relative to special elections for executive councilor, state senator, and state representative.

Be it Enacted by the Senate and House of Representatives in General Court convened:

25:1 Vacancies Among Executive Councilor, State Senator, and State Representative; Deadline for Special Election.
Amend RSA 661:8, V to read as follows:

V. No [~~request for a~~] special election shall be [~~considered~~] ***held*** after March 15 of the second year of the biennium, ***as determined by RSA 655:81, I.***

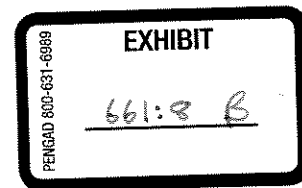
25:2 Effective Date. This act shall take effect 60 days after its passage.

(Approved: May 10, 2005)

(Effective Date: July 9, 2005)

CHAPTER 231

HB 131 - FINAL VERSION



05apr01...0416h

6/7/01...1474s

26june01...1718CofC

26june01...1880eba

2001 SESSION

01-0264

05/09

HOUSE BILL **131**

AN ACT relative to the retention and disposal of certain financial disclosure forms.

SPONSORS: Rep. Millham, Belk 4; Rep. Major, Rock 16; Sen. Roberge, Dist 9; Sen. Cohen, Dist 24

COMMITTEE: Election Law

ANALYSIS

This bill establishes timelines for the secretary of state to retain and dispose of certain financial disclosure forms.

Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struckthrough~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

05apr01...0416h

6/7/01...1474s

26june01...1718CofC

26june01...1880eba

01-0264

05/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand One

AN ACT relative to the retention and disposal of certain financial disclosure forms.

Be it Enacted by the Senate and House of Representatives in General Court convened:

231:1 New Paragraph; Lobbyists; Statements; Retention of Statement of Fees and Expenditures. Amend RSA 15:3 by inserting after paragraph IV the following new paragraph:

V. The secretary of state shall maintain the statements required by this section for 6 years from the date of filing, after which time the statements may be destroyed.

231:2 Financial Disclosure; Form of Disclosure; Retention of Declaration of Candidacy Form. Amend RSA 15-A:3 to read as follows:

15-A:3 Form of Disclosure. The secretary of state shall determine the forms required under this chapter, which shall appear as part of the acceptance of nomination form and the declaration of candidacy form. The forms shall include the definitions which appear in RSA 15-A:1, and adequate space to provide the required information. ***The secretary of state shall maintain the declaration of candidacy form for 6 years from the date of filing, after which time it may be destroyed.***

231:3 Gifts, Testimonials, and Honorariums; Forms; Place of Filing; Retention of Statement of Gifts, Testimonials, and Honorariums. Amend RSA 15-B:4 to read as follows:

15-B:4 Forms; Place of Filing. The secretary of state shall furnish all forms required under this chapter. All persons filing a statement under this chapter shall file with the secretary of state. ***The statements shall be held in the original form for 6 years from the date of filing, after which time they may be destroyed.***

231:4 New Paragraph; Organization of Executive Branch; Statements of Financial Interest for Board and Commission Members; Retention of Statement of Financial Interest. Amend RSA 21-G:5-a by inserting after paragraph IV the following new paragraph:

V. The secretary of state shall maintain the statement of financial interests for 6 years, after which time the statement may be destroyed.

231:5 New Section; Legislative Ethics Committee; Retention of Financial Forms. Amend RSA 14-B by inserting after section 5 the following new section:

14-B:6 Retention of Financial Disclosure Forms. The legislator's financial disclosure form and the report of expense reimbursement form shall be placed on file in the secretary of state's office, pursuant to ethics guidelines adopted by the legislative ethics committee, and shall be held in original form for 6 years from the date of filing, after which time they may be destroyed.

231:6 New Section; Political Expenditures and Contributions; Reports. Amend RSA 664 by inserting after section 7 the following new section:

664:7-a Statement Retention. Statements or reports required to be filed under RSA 664:6 and 664:7 shall be held in original form for 6 years from the election for which they are filed, after which time they may be destroyed.

231:7 Nominations by Primary; Declarations of Candidacy Amended. Amend RSA 655:18 to read as follows:

655:18 Forwarding Declarations of Candidacy. Each city or town clerk shall forward each declaration of candidacy filed with him to the secretary of state on the day of filing of the same, provided the requisite fee shall have been deposited, or the requisite number of primary petitions shall have been filed therewith. ~~[The secretary of state shall retain them together with all declarations of candidacy filed with him until January 1 following the holding of the primary at which time they may be destroyed.]~~

231:8 Elections; Nomination by Nomination Papers; Filing Names of Candidates; Deadline Changed. Amend RSA 655:40-b to read as follows:

655:40-b Filing Names of Candidates. The names of the candidates to be listed on the state general election ballot under the political ~~[party]~~ **organization** nominated pursuant to RSA 655:40-a shall be submitted to the secretary of state no later than 5:00 p.m. on the ~~[Monday immediately following]~~ **day of** the primary. When the list of candidates is filed, it shall be accompanied by a declaration of candidacy signed by each of the candidates. The declaration of candidacy shall be in the form provided by RSA 655:17 with the understanding that, where the form says primary election, it shall be construed to mean general election.

231:9 Preparation of Voting Materials; Listing Candidates on Ballot. RSA 656:5 is repealed and reenacted to read as follows:

656:5 Listing Candidates on Ballot. The names of all candidates nominated in accordance with the election laws shall be arranged by office in accordance with the provisions of RSA 656:7. The names of candidates for any one office shall not be split into more than one column. All candidates for the same office shall be placed on separate lines within a separate box. The name of each candidate shall be grouped according to the party which nominates the candidate, and the names of the candidates of the party which received the largest number of votes at the last preceding state general election shall be listed first. The names of the candidates shall be printed with the given name first, and the candidates shall be listed alphabetically according to their surnames within each party grouping. The name of the party which nominates the candidate shall be printed near the candidate's name, but no candidate may appear on the ballot more than once as a candidate for the same office.

231:10 Election Procedure; Candidate of One Party; Nominee of Different Party. RSA 659:91-a, I is repealed and reenacted to read as follows:

I. Any person who runs as a candidate on any party's state primary election ballot and who is not chosen as the candidate for that party for the elective office for which the person was a candidate shall not under any circumstances run as the nominee of a different party in the state general election.

~~231:11 Vacancies Among Public Officers Elected at State Elections; Special Election Provisions for City State Representative Districts. Amend RSA 661:8 to read as follows:~~

661:8 Executive Councilor; State Senator; State Representative.

I. If a vacancy occurs in the office of executive councilor or state senator, it shall be filled as provided in Part II, Articles 34 and 62 of the state constitution.

II. If a vacancy occurs in the office of state representative from a single town or ward district, the vacancy may be filled following the provisions of RSA 655:81 and 82 in the same manner as a state general election is held. In a multi-town or multi-ward district, a vacancy in the office of state representative shall be filled following the provisions of RSA 655:81 and 82 by a special election if the selectmen of any town or ward in said district so request of the governor or council.

III. Notwithstanding the provisions of paragraph II, if a vacancy occurs in the office of state representative in a district comprised of a city ward or wards, a request to hold the primary and special elections on the same dates as the city's biennial primary and regular elections may be submitted to the governor and council by the governing body of the city. If so requested, the governor and council shall declare the vacancy not less than 50 days prior to the date of the city's primary election. The filing period shall be held not more than 41 days nor less than 34 days prior to the primary election. The provisions of RSA 655:81, III, VI, VII, VIII, IX, X, and XI shall apply to elections held pursuant to this paragraph.

IV. Within 21 days after proof of a vacancy or a request that a vacancy be filled, the governor, in the case of an executive council vacancy, or the governor and council, in the case of any other vacancy, shall declare that there shall be a special election which shall be held as provided in RSA 655:81 and 82 **or as provided in RSA 661:8, III.**

V. No request for a special election shall be considered after March 15 of the second year of the biennium.

231:12 Contingent Renumbering. If HB 202 of the 2001 legislative session becomes law, then RSA 14-B:6 as inserted by section 5 of this act shall be renumbered as RSA 14-B:7.

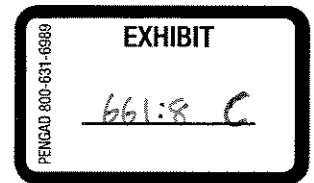
231:13 Duplicate Amendment Nullified; HB 579. The amendment to RSA 655:40-b as inserted by section 5 of HB 579 of the 2001 legislative session shall not take effect.

231:14 Effective Date. This act shall take effect upon its passage.

(Approved: July 13, 2001)

(Effective Date: July 13, 2001)

HB 1444 - FINAL VERSION



18feb98.....0400h

5/21/98 1856s

1998 SESSION

98-2384

03/08

HOUSE BILL **1444**

AN ACT requiring a special primary for all parties if there are at least 2 candidates for election from one party and relative to political expenditure limitation amounts.

SPONSORS: Rep. Major, Rock 16; Rep. J. Bradley, Carr 8; Rep. Kaen, Straf 7; Rep. Camm, Rock 17; Sen. Barnes, Dist 17; Sen. Russman, Dist 19; Sen. J. King, Dist 18

COMMITTEE: Election Law

AMENDED ANALYSIS

This bill requires that all parties participate in special primaries and provides that requests for special elections to fill vacancies in state public offices shall not be considered after March 15 of the second year of the biennium. This bill also increases total expenditures by a candidate for governor, United States senator, or representative to Congress who voluntarily agrees to limit campaign expenditures.

Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through~~].

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

18feb98.....0400h

5/21/98 1856s

98-2384

03/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord One Thousand Nine Hundred and Ninety-Eight

AN ACT requiring a special primary for all parties if there are at least 2 candidates for election from one party and relative to political expenditure limitation amounts.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Elections; Nominations for Special State Elections; Uncontested Primary. Amend RSA 655:82 to read as follows:

655:82 ~~[Waiver of]~~ **Uncontested** Primary. ~~[In the event that not more than one candidate's name will be printed on a party's special primary ballot, the secretary of state shall declare that candidate, or no candidate if there is no one, to be the nominee, and the primary for that party shall be waived].~~ In the event that ~~[all party primaries are waived pursuant to this section]~~ **no party has more than one candidate file**, the primary election shall not be conducted. In such a case, the special election shall be held on the day previously fixed as the day for the holding of the special primary election. The deadline for candidates to file nomination papers pursuant to RSA 655:40-45 shall be 32 days prior to the rescheduled special election date.

2 Vacancies Among Public Officers; Executive Councilor, State Senator, and State Representative; Request for Special Primary Deadline. Amend RSA 661:8 to read as follows:

661:8 Executive Councilor; State Senator; State Representative. If a vacancy occurs in the office of executive councilor or state senator, it shall be filled as provided in Part II, Articles 34 and 62 of the state constitution. If a vacancy occurs in the office of state representative from a single town or ward district, the vacancy may be filled following the provisions of RSA 655:81 and 82 in the same manner as a state general election is held. In a multi-town or multi-ward district, a vacancy in the office of state representative shall be filled following the provisions of RSA 655:81 and 82 by a special election if the selectmen of any town or ward in said district so request of the governor or council. Within 21 days after proof of a vacancy or a request that a vacancy be filled, the governor, in the case of an executive council vacancy, or the governor and council, in the case of any other vacancy, shall declare that there shall be a special election which shall be held as provided in RSA 655:81 and 82. ***No request for a special election shall be considered after March 15 of the second year of the biennium.***

3 Elections; Political Expenditure Limitation Amounts; Amounts Increased for Governor, United States Senator, and Representative to Congress. Amend RSA 664:5-b, I-II to read as follows:

I. For governor:

(a) \$~~500,000~~ **625,000** in a state primary election.

(b) \$~~500,000~~ **625,000** in a state general election.

I-a. For United States senator:

(a) \$~~500,000~~ **625,000** in a state primary election.

(b) \$~~500,000~~ **625,000** in a state general election.

II. For representative to Congress:

(a) \$~~[250,000]~~ *350,000* in a state primary election.

(b) \$~~[250,000]~~ *350,000* in a state general election.

4 Effective Date. This act shall take effect upon its passage.

party primaries are waived pursuant to this section, the primary election shall not be conducted. In such a case, the special election shall be held on the day previously fixed as the day for the holding of the special primary election. The deadline for candidates to file nomination papers pursuant to RSA 655:40-45 shall be 32 days prior to the rescheduled special election date.

512:2 Majority of Boards of Selectmen Required in Multi-town Representative Districts. Amend RSA 661:8 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

661:8 Executive Councilor; State Senator; State Representative. If a vacancy occurs in the office of executive councilor or state senator, it shall be filled as provided in Part II, Articles 34 and 62 of the state constitution. If a vacancy occurs in the office of state representative from a single town or ward district, the vacancy may be filled following the provisions of RSA 655:81 and 82 in the same manner as a state general election is held. In a multi-town or multi-ward district, a vacancy in the office of state representative shall be filled following the provisions of RSA 655:81 and 82 by a special election if the selectmen of any town or ward in said district so request of the governor or council. Within 21 days after proof of a vacancy or a request that a vacancy be filled, the governor, in the case of an executive council vacancy, or the governor and council, in the case of any other vacancy, shall declare that there shall be a special election which shall be held as provided in RSA 655:81 and 82.

512:3 References Changed and Session Eliminated. Amend RSA 661:11 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

661:11 Nomination and Conduct. Where a vacancy as described in this chapter is to be filled by a special state general election, nominations shall be made in accordance with RSA 655:81 and 655:82. The general election shall be conducted in as nearly as practicable the same manner as are regular state general elections except that the deadline for requesting a recount pursuant to RSA 660:1 shall be 2 days following the day of the election.

512:4 Appropriation. All necessary expenses required to administer any special state election incurred by the secretary of state shall be paid by the state upon approval of the governor and council from funds not otherwise appropriated.

512:5 Repeal. RSA 655:55 through RSA 655:80, relative to the nominations for special state election through caucuses and conventions, are hereby repealed.

512:6 Effective Date. This act shall take effect 60 days after its passage.

[Approved June 29, 1981.]

[Effective Date August 28, 1981.]

CHAPTER 513 (SB 63)

AN ACT TO PROHIBIT THE SALE OF DRUG PARAPHERNALIA.

Be it Enacted by the Senate and House of Representatives in General Court convened:

513:1 Drug Paraphernalia Defined. Amend RSA 318-B:1 by inserting after paragraph X the following new paragraph:

661:3 Duties; Privileges. A person appointed or elected to fill a vacancy in a public office shall, during the unexpired term, perform the same duties as did his predecessor, be subject to the same requirements as was his predecessor and be entitled to the same privileges and emoluments as was his predecessor.

661:4 Qualifications. A person appointed or elected to fill a vacancy in a public office shall meet the qualifications of the office as provided in RSA 655:3-10 at the time of his election or appointment.

By Office

661:5 United States Senator. If a vacancy occurs in the office of United States senator, the governor shall fill the vacancy by temporary appointment until the next state general election, when a senator shall be elected for the unexpired term.

661:6 United States Representative. If a vacancy occurs in the office of United States representative, the governor with advice of council shall, as soon as practicable, have precepts issued to the selectmen of the towns and cities in the district where the vacancy exists directing them to call a special state general election on the day he designates to fill the vacancy. Such election shall be conducted as provided in RSA 661:11 and shall fill the vacancy for the unexpired term.

661:7 Governor. If a vacancy occurs in the office of governor, the vacancy shall be filled as provided in part II, article 49 of the state constitution.

661:8 Executive Councilor; State Senator; State Representative. If a vacancy occurs in the office of executive councilor or state senator, it shall be filled as provided in part II, articles 34 and 62 of the state constitution. If a vacancy occurs in the office of state representative from a single town or ward district, the vacancy may be filled in the same manner as a state general election is held. In a multi-town or multi-ward district, a vacancy in the office of state representative shall be filled by a special election if the selectmen of any town or ward in said district so request of the governor or council. The special election held to fill said vacancy shall be held on the date set by the governor and council.

661:9 County Officers. If a vacancy occurs in the office of county commissioner, sheriff, county attorney, register of deeds or register of probate, the superior court, shall appoint a commissioner to fill the vacancy for the unexpired term. If any person holding a county office becomes temporarily absent or incapacitated, the superior court may, upon application of the county attorney or county commissioners, declare a temporary absence and fill the same for a limited period of time expressed in the appointment. Any officer of a county may be removed by the superior court for official misconduct.

661:10 Delegate to State Party Convention. If a vacancy occurs in the office of delegate to a state party convention, the vacancy shall not be filled.

Conduct Of Special State General Elections To Fill Vacancies

661:11 Nomination and Conduct. Where a vacancy as described in this chapter is to be filled by a special state general election, nominations shall be made in accordance with RSA 655:55 - 655:80. The general election shall be conducted in as nearly as practicable the same manner as are regular state general elections.



U.S. Department of Justice

Civil Rights Division

EXHIBIT

PENGAD 800-631-6989

661:8 F

JDR:RPL:SMC:jdh
DJ 166-012-3
2004-2563
2004-2581
2004-2582

*Voting Section - NWB.
950 Pennsylvania Avenue, N.W.
Washington, DC 20530*

June 22, 2004

Orville B. Fitch II, Esq.
Assistant Attorney General
Civil Bureau
Department of Justice
33 Capitol Street
Concord, New Hampshire 03301-6397

Dear Mr. Fitch:

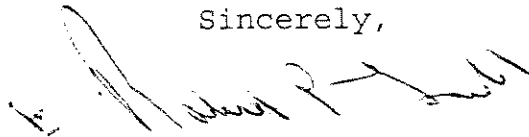
This refers to Session Law Chapter 436 (HB 575) (1979), which recodifies the election laws of the State of New Hampshire; Session Law Chapter 266 (HB 577) (2003), which implements the Help America Vote Act of 2002 (HAVA), 42 U.S.C. 15301-15545; and the adoption of formal administrative procedures for the resolution of election law complaints, including complaints filed under Title III of HAVA, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submissions on June 7, 2004.

The Attorney General does not interpose any objection to the specified changes. Regarding Session Law Chapter 266, we note that the act specifically amends the following provisions of the State's election laws: RSA 655:19, II (Chapter 387 (1991)) (to provide for the deposit of certain candidate filing fees collected by the secretary of state into the election fund); RSA 655:19-c (Chapter 387 (1991)) (to provide for the deposit of any administrative assessments paid to the secretary of state into the election fund); RSA 664:3, I (Chapter 351 (1997)) (to provide for the deposit of political committee registration fees paid to the secretary of state into the election fund); RSA 664:21, II (Chapter 351 (1997)) (to provide for the deposit of any administrative fines for violations of the State's campaign finance laws into the election fund); and RSA 665:7 (Chapter 436 (1979)) (to authorize the Ballot Law Commission to hear and resolve complaints alleging violations of Title III of HAVA, as specified).

We note also that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. In addition, as authorized by Section 5, we reserve the right to reexamine this submission if additional information that would otherwise require an objection comes to our attention during the remainder of the sixty-day review period. See Procedures for the Administration of Section 5 of the Voting Rights Act (28 C.F.R. 51.41 and 51.43).

Session Law Chapter 266 includes provisions that are enabling in nature. Therefore, the State is not relieved of its responsibility to seek Section 5 preclearance of any changes affecting voting proposed to be implemented pursuant to this legislation (e.g., creation of a centralized statewide voter registration database by the secretary of state and guidelines issued by the secretary of state implementing the database). See 28 C.F.R. 51.15.

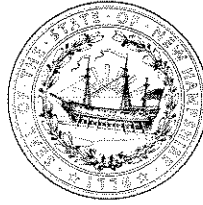
Sincerely,

A handwritten signature in dark ink, appearing to read "Joseph D. Rich", written over a horizontal line.

Joseph D. Rich
Chief, Voting Section

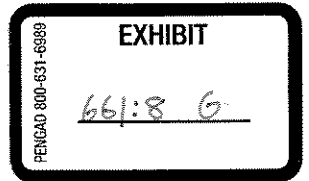
**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397



KELLY A. AYOTTE
ATTORNEY GENERAL

MICHAEL A. DELANEY
DEPUTY ATTORNEY GENERAL



News Release

RELEASED BY: Attorney General Kelly A. Ayotte

SUBJECT: Voting Rights Act – Submission of a request for preclearance of changes to New Hampshire Voting laws and procedures

DATE: June 10, 2005

RELEASE TIME: Immediate

Attorney General Kelly A. Ayotte announces the submission of requests for preclearance of changes made to the election laws in New Hampshire to the Federal Department of Justice. Preclearance submissions will address changes made to New Hampshire's election laws since jurisdictions in the State became subject to preclearance.

Ten New Hampshire towns are subject to section 5 of the federal Voting Rights Act. Changes to New Hampshire election laws that affect any of these ten towns must be submitted for review by either the Federal Department of Justice or the Federal District Court for Washington D.C. The federal Department of Justice will review the changes to New Hampshire's election laws to ensure that the changes do not have the effect of denying or abridging the right to vote on account of race or color, or membership in a language minority group. Changes to New Hampshire redistricting statutes have been submitted to, and approved by, the U.S. Justice Department since the 1980 census. Federal regulations require that the public be notified that the State has filed a request for preclearance and that the submission be available for public inspection.

Copies of each submission by the Attorney General for the State of New Hampshire are available at the office of the Attorney General at 33 Capitol Street, Concord New Hampshire, 03301. Each document will also be made available at the Attorney General's Office web site at:

<http://www.doj.nh.gov/elections/>

Attorney General Ayotte and the federal Department of Justice invite persons interested in this submission to submit comments and information, in writing or by telephone, to the Voting Section of the Federal Department of Justice, Civil Rights Division, at the earliest possible date to ensure that they may be considered during the preclearance review time period. Telephone 1-800-253-3931 or (202) 307-2385 or write Chief, Voting Section, Civil Rights Division, Room 7354 – NWB, Department of Justice, 950 Pennsylvania Ave., NW, Washington, DC 20530. The envelope and first page should be marked "Comment under section 5." Additional information on the Voting Rights Act and the preclearance process can be obtained at the web site of the Federal Department of Justice at:

<http://www.usdoj.gov/crt/voting/index.htm>

The New Hampshire Attorney General's Office Voting section can be contacted at:

<http://www.doj.nh.gov/elections/>
New Hampshire Toll Free 1-866-8868-3703
or 1-866-VOTER03
electionlaw@doj.nh.gov